

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

FEBRUARY 18, 2009

The **Regular Meeting** of the Council of Commissioners was called to order Wednesday, **February 18, 2008** in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by Chief Executive Paul Babb.

ROLL CALL

12 present, 0 absent

PRAYER

Commissioners were led in prayer by Commissioner Foley

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF 1/28/09 AND THE REGULAR MEETING OF 2/4/09

It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried with a unanimous verbal vote to approve the Minutes of the Special Meeting of 1/28/09 and the Regular Meeting of 2/4/09.

ITEMS NOT ADDRESSED ON THE AGENDA

None

PUBLIC COMMENT ON ANY PUBLIC MATTER

Fran Doran came to the microphone and advised the Council that her group has decided to do a wave pool instead of just a rectangular pool.

CHIEF EXECUTIVE'S REPORT

Chief Executive Babb proposed tonight that we not segregate the Parks and Recreation Plan out of the Committee of the Whole Meeting Report tonight. He met with the Parks and Recreation Board last night and they have agreed to sit down with the council. Shelly Jones has sent out an e-mail asking if you could attend a meeting and go through the plan in more detail. There will be three meeting times set up. He recommended that they take a look at Chapter 4, pages 33-35. That will be the guide that will take any project. If it meets the goals and objectives and the vision of the Parks and Recreation Plan, they you could move on to the criteria and the implementation. He believes that is the most important

section. We will hold it in the Committee of the Whole Report and it give the council the opportunity to act on that at a later time.

Leadership Montana will be in Butte for the next couple of days at the Butte Plaza Inn at noon.

Yesterday there was an affair at the Montana Tech Campus for Veterans Appreciation Day. It was a chance to thank the Veterans and all they have done for our country.

He also announced that the Public Hearing on Section I of our agenda tonight has been cancelled because of a problem with the advertisement of that.

SECTION I PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT PUBLIC COMMENTS TO CONSIDER A RESOLUTION THAT WILL AMEND THE FY 2008-2009 BUDGET TO CREATE BUDGET AUTHORITY FOR THE BIG SKY ECONOMIC DEVELOPMENT TRUST FUND GRANT AWARDED TO THE CITY AND COUNTY OF BUTTE-SILVER IN THE AMOUNT OF \$50,000.00. (Communication No. 09-83 being held in Committee of the Whole.) **Proof of publication was not available because the legal had not been sent to the newspaper, therefore this public hearing is cancelled and will be advertised at a later date.**

SECTION II PRESENTATION COMMUNICATION NO. 09-94

Jeff Amerman, Director of Finance and Budget Department, Aaron Rudio, Vice President for Public Finance, D. A. Davidson & Co., and Ellen Crain, Director, Butte-Silver Bow Public Archives, requesting time on the 2/18/09 agenda to present bid award of the second bond sale for the Archives Renovation and Vault Addition Project.

Jeff Amerman, Finance and Budget Director, said the bond sale was held at 11AM today. The interest rate was extremely favorable to Butte-Silver Bow. They did receive two bids. He introduced Aaron Rudio from D. A. Davidson, the low bidder. The interest rate was just slightly over 4.0 % for a 20 year bond issue **It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried with a unanimous verbal vote to place Communication No. 09-94 on file.**

**PRESENTATION
COMMUNICATION NO. 09-108**

Jim Smitham, Executive Director, Butte Local Development Corporation,
requesting time on the 2/18/09 agenda to make a presentation.

Jim Smitham, executive Director of the Butte Local Development Corporation, gave a detailed report on the economic development activities. He handed out a packet of information that highlights the activities.

It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried by a unanimous verbal vote to place Communication No. 09-108 on file.

SECTION IV CONSENT AGENDA

- A.**
1. COMMITTEE OF THE WHOLE MEETING REPORT
 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 3. JUDICIARY COMMITTEE MEETING REPORT
 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for any segregations or “friendly amendments”. Commissioner Palmer called for segregation of Section IV, Committee of the Whole Meeting Report, Section 18, Communication No. 09-73.

It was then moved by Commissioner Palmer, seconded by Commissioner Lee and carried by a unanimous verbal vote to approve the Consent Agenda, Section IV-A, 1 through 4 and B, Items 1 through 32.

Segregation – Communication No. 09-73 from Frank Kriewald

Frank Kriewald, requesting time on the 2/18/09 agenda for County Commissioners from Beaverhead, Madison and Jefferson Counties and people from Butte to discuss the Beaverhead Deer Lodge National Forest Plan.

Frank Kriewald, handed out some material for the Commissioners, and he discussed the Partnership Strategy. He then called on the following:

1. Mike McGinley, Beaverhead County Commissioner
2. Ken Weber, Jefferson County Commissioner
3. David Schultz, Madison County Commissioner

4. Kerry White, Bozeman, Montana.
5. Debbie Shea, 100 Moon Lane, Executive Director Montana Mining Association
6. Robin McCullen, Montana Bureau of Mines
7. Greg Beardslee, Bozeman, MT.
8. Bob Allen, President of Mountain Bike Alliance.
9. Ben Finnicum, 1972 Princeton, business owner
10. Mark Leipheimer, Yamaha Dealer

Commissioner Palmer moved to continue to hold Communication No. 09-73 in abeyance to hear the rest of the story. Commissioner Hall seconded the motion and it carried with a unanimous verbal vote.

At 9:45 PM, Chief Executive Babb called for a 2 minute recess. Council Reconvened at 9:50 with a roll call of 12 present and 0 absent.

SECTION V COMMUNICATIONS TO BE READ AND ACTED UPON

1. 09-119 Stephen D. Hess, Acting planning Director, requesting Council approve proposed amendments to the City and County of Butte-Silver Bow, State of Montana, Subdivision Regulations as submitted.

Steve Hess, Acting Planning Director, explained they had made some changes in the Ordinance and he explained what they were.

It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried with a unanimous verbal vote to concur with the request in Communication No. 09-119 and place on file.

1. 09-122 Mitzi Rossillon, Board Member CPR, requesting time on 2/18/09 agenda to present request for support for Citizen's for Preservation to submit a grant from Challenge Cost Shares and also a letter committing to a Partnership.

Mitzi Rossillon, Board Member of CPR, came to the microphone and explained she was here to request Council's support in the form of a letter for stabilization at the Greek Café. CPR took on the project of finding suitable granting opportunities about three weeks ago. They found that the grants are scarce. There is a grant program that is available through the National Park Service called the Challenge Cost Share and it is for a maximum of \$30,000. They decided to move forward with an application even though they knew the applications were due in Denver in paper form

It was moved by Commissioner Shaw, seconded by Commissioner Lee and carried with a verbal vote of 10 yeas and 2 nays to approve and support the Challenge Cost Share Grant that is going to be applied for and that we as a Council would approve and support this effort that is going to be happening and that we would sign a letter to that effect. Commissioners Granger and Moodry voting nay.

SECTION VI ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

AN ORDINANCE AMENDING ORDINANCE NO. 178 AND TITLE 16, CHAPTER 16.04 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); AMENDING THE BUTTE-SILVER BOW SUBDIVISION REGULATIONS; AMENDING SECTION 10: DESIGN STANDARDS, B. LANDS UNSUITABLE FOR SUBDIVISION, F. BRIDGES AND CULVERTS, SUBSECTION 2, G. STREETS AND PRIVATE ROADS, SUBSECTIONS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 AND SECTION 11, REQUIRED IMPROVEMENTS, B. STREETS, SUBSECTION 4 STREET SURFACING, C. SIDEWALKS, SUBSECTION 1. AND SUBSECTION 5, H. TRAFFIC CONTROL DEVICES, SUBSECTION 2, K. FIRE PROTECTION, L. SPECIAL STANDARDS FOR SUBDIVISIONS PROPOSED IN AREA OF HIGH FIRE HAZARD, AND CREATION

OF APPENDIX A, FIRE PROTECTION STANDARDS; PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 09-11

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE TO BE EXPENDED IN THE LAW ENFORCEMENT AGENCY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN..

3. COUNCIL RESOLUTION NO. 09-12

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE NATURAL RESOURCE DAMAGE PROGRAM TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND FOR THE PURPOSE TO CONTINUE WORK ALONG THE SILVER BOW CREEK GREENWAY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4. COUNCIL RESOLUTION NO. 09-13

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE ENVIRONMENTAL PROTECTION AGENCY TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND FOR THE PURPOSE TO PROVIDE EQUIPMENT AND FINANCIAL SUPPORT TO THE GREENHOUSE

NURSERY – HARDENING FACILITY ON THE MONTANA TECH CAMPUS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

5. COUNCIL RESOLUTION NO. 09-15

A RESOLUTION RELATING TO \$3,000,000 GENERAL OBLIGATION BONDS SERIES 2009 DETERMINING THE FORM AND DETAILS, AUTHORIZING THE EXECUTION AND DELIVERY AND LEVYING TAXES FOR THE PAYMENT THEREOF.

**SECTION VII ORDINANCES AND RESOLUTIONS –
SECOND READING**

**1. COUNCIL BILL NO. 09-1
ORDINANCE NO. 09-1**

AN ORDINANCE AMENDING SECTION 4 OF THE ORDINANCE NO. 204 AND SECTION 10.40.050 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “SPEED LIMIT;” ESTABLISHING A 35 MPH SPEED LIMIT BEGINNING AT THE INTERSECTION WITH HARRISON AVENUE AND CONTINUING WEST ALONG HOLMES AVENUE TO THE INTERSECTIONS WITH ROWE ROAD AND CONTINUING NORTHWEST ON ROWE ROAD AT 300 FEET NORTH OF THE INTERSECTION WITH LEXINGTON AVENUE, AN APPROXIMATE DISTANCE OF 1.3 MILES AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried by a roll call vote of 12 yeas and 0 nays to place Council Bill No. 09-1, Ordinance No. 09 on second reading and passed having been deemed fully read at length.**

**SECTION VIII ORDINANCES AND RESOLUTIONS –
FINAL READING**

1. COUNCIL RESOLUTION NO. 09-8

A RESOLUTION APPROVING ACCEPTANCE OF AN EASEMENT FROM FRANK M. ANTONIOLI DESCRIBED AS A PORTION OF THE KINGS CLAY DEPOSIT PLACER, MINERAL APPLICATION NO. 1026 MINERAL ENTRY NO. 880, LOCATED IN A PORTION OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER SECTION 14, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M., FOR THE LOCATION OF A STORM SEWER EASEMENT AND NECESSARY APPURTENANCES; FINDING THE NECESSARY FACTS FOR THE RESOLUTION AND PROVIDING FOR AN

EFFECTIVE DATE HEREIN. It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried with a roll call vote of 12 yeas and 0 nays to place Council Resolution No. 09-8 on final reading and passed having been deemed fully read at length.

1. **COUNCIL RESOLUTION NO. 09-9**

RESOLUTION RELATING TO \$3,000,000 GENERAL OBLIGATION BONDS, SERIES 2009 AWARDED THE SALE THEREOF AND APPROVING THE OFFICIAL STATEMENT RELATING THERETO.

It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried by a roll call vote of 12 yeas and 0 nays to place Council Resolution No. 09-9 on final reading and passed having been deemed fully read at length.

ADJOURN

There being no further business to come before the Council, it was moved by Commissioner Palmer, seconded by Commissioner Lee and carried by a unanimous verbal vote to Rise to the Call of the Chair.

The meeting adjourned at 10:30PM.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER